(2) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT BILL, 1953.

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" Mr. Speaker, Sir, I beg to introduce the Madras Buildings (Lease and Rent Control) Amendment Bill [a], 1953 and move—

' *That the Bill be taken into consideration at once.*'

In moving this Bill, I wish to say that it is a very non-controversial and simple Bill seeking to extend the life of the Act by another two years. We shall take stock of the position then and review the whole accommodation problem. I hope the House will accept this simple measure without much opposition."

MR. SPEAKER :—" The motion is—

' That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953, be taken into consideration at once.' "

SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, this Bill is certainly innocuous in that it simply seeks to extend by two years the existing provisions of the Madras Buildings (Lease and Rent Control) Act. But the working of the Act of 1946 has revealed many defects in it, especially the non-implementable character of the various provisions of the Act. As a matter of fact, we find that the only benefit of the Act is that it confers some right upon the subordinate Government officials—and even there only on some officials—to secure buildings when they are transferred from one place to another. I see there is some rule by which the key of the house could be handed over by one officer to his successor. In respect of the other provisions, it does not produce any salutary effect and it is time that the House considered the matter in detail instead of simply re-enacting it so as to make it live for another two years. For example, the provisions regarding eviction require reconsideration; particularly how the various Rent Controllers' Courts are working has to be gone into. There is a strong feeling that the cheap machinery provided in the Act which does not prescribe any court-fee helps the landlord to get an eviction order by manipulating arrears of rent or by pretending that he requires the house for his own occupation. The latest judgment of the High Court says that if the landlord says he wants it, it means he wants it for bona fide occupation and the statement should be accepted. What is the court-fee that he pays for this order? It is only twelve annas. He gets an eviction order as easily and as cheaply as he desires and the working of the Act has been considerably to the prejudice of the tenantry because if there is no Rent Control Court, there will be the forbidding influence of a heavy court-fee in the ordinary courts. Secondly there will be the normal delays in ordinary courts in getting a decision. But here you get an expeditious decision and a cheap remedy affecting the tenant.

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28th July 1953] [Sri V. R. Krishna Ayyar]

" Secondly, Sir, comes fair rent which is an integral part of this Act. We do not know in how many cases fair rents have been fixed and stuck to. As a lawyer, I have come across several cases wherein when an application is filed for fair rent fixation, consequently an application for eviction lies. Thousands of cases happen like this and in the contest, so to say, the tenant loses and oftentimes, there is an eviction order rather than a fair rent fixation. The provisions in the existing law are so unrealistic and nobody is willing to apply for fixation of fair rent. If we take the cross-section of the number of houses where fair rents have been fixed and the number of houses where fair rents are paid, we will find that the number will be just two or three where that rent is actually paid. In other cases the tenants pay as much as three times the fair rent fixed. So, Sir, it is time we ponder over the whole matter again, reflect and see whether there should be any changes made in the various provisions of the Act. We should not simply re-enact it so as to give it a fresh lease of life for two years by saying there is now a crisis and we shall have it for two years for the present and see about changes later. I take this occasion to say that the existing Act does not work at all satisfactorily and it is time the Government review the matter fully."

* Sri K. KRISHNA RAO :—" Mr. Speaker, Sir, the Government have come forward to ask for the extension of the life of the Act. Sir, when the Bill was there, it was, I thought, an obligation on the part of the State to see that the dearth of buildings, pressure on space and pressure on building sites in urban areas was removed by themselves constructing houses or by taking such other measures as would relieve the pressure on buildings. The very fact that the Government have not, after the close of the last war, taken up any such work, indicates that the Government are an irresponsible Government with regard to these amenities which it is their duty to provide to the urban residents in our State. Far from doing this, the Government are doing the very reverse of it. The price of building materials has gone up. The Government are taking up a number of measures by which the poor men's huts are destroyed. Either the municipality destroys it or the Revenue authorities destroy it in order to ensure that there is no encroachment on the land or the Public Works Department does it ' as the hut is constructed without its permission ' or in some cases, as in the City of Madras, by the City Improvement Trust. Therefore. the policy of the Government seems to be to continue such kinds of measures which are only a commentary on their irresponsible policy. Instead of putting up buildings, instead of making building materials cheaper and instead of giving loans to the poor people for constructing houses, the Government are out to destroy these huts which are the post-war phenomenon of urban areas. I, therefore, suggest that huts also should be included in the Act so that the residents of huts may be given protection from arbitrary eviction. My other point is that even the Government should not have any right to evict poor people who have built huts on Government lands

in many towns until and unless they are shown an alternative site or an alternative method of housing. A number of cases of injustice are coming to the notice of the Government but they are trying to cover them all by bringing in measures of this kind.''

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—'' Mr. Speaker, Sir, I am thankful to hon. Members for the suggestions they have made. I know Mr. Krishna Ayyar has given notice of a Bill and we are already considering certain amendments to the existing Act which are found necessary as a result of its working all these years. I wish to give an assurance to him that his suggestion will be considered when we bring in a comprehensive amending Bill at a later date.

'' Then, Sir, Mr. Krishna Rao has been very scathing in his criticism and talking about housing shortage and so on. I would like to differ from what he has said because this Bill only seeks to regulate the relationship between the landlord and the tenant. Of course, his suggestion to include the huts also in the Act will very well be considered by the Government. Now, this Bill only seeks to extend the life of the Act by two years and I am sure the House will agree to the motion. It may not be necessary to have control even for two years because the moment it is found unnecessary, it will be repealed. We are also very anxious to have no control whatsoever in this direction if it can be helped. With these observations, I request that the Bill be taken into consideration.''

10-30 a.m. MR. SPEAKER :—'' The question is—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953, be taken into consideration at once.' ''

The motion was put and carried.

MR. SPEAKER :—'' Now, we shall take up the Bill clause by clause.''

Clauses 2 and 1 and the Preamble were put and carried.

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—'' I move—

'*That the Madras Buildings (Lease and Rent Control) Amendment Bill*, 1953, *be passed into law*.' ''

MR. SPEAKER :—'' The question is—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953, be passed into law.' ''

The motion was put and carried and the Bill was passed into law.